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The French Rejection of the European Constitutional Treaty: Implications of a National Debate for Europe's Union

Colette Mazzucelli♦

Introduction

Unlike the 1992 French debate about the ratification of the Treaty on European Union (TEU), an analysis to explain the fate of the European Constitutional Treaty (ECT) must address the failure of the May 29, 2005 referendum to ratify the text in France. Why did a member state integral to European construction reject a document in which French interests, as defined by Mr. Chirac, were very well represented? In order to assemble the pieces of this puzzle, we must start within the French domestic context in order to grapple with decisions taken at the table when the French president and other heads of government negotiated in the European Council. We must then return to the scene of the drama's climax, inside the hexagon during spring 2005. Mr. Chirac, the chief protagonist in this narrative, provides the main link between the domestic context and negotiations on constitutional treaty reform.

A careful reading of one institutional analysis regarding French preferences on the future of Europe concludes: 'In the end, therefore, the French president and his government were for the most part alone in deciding what France's preferences were going to be: of course, it remains to be seen whether this will change as the debate on the future of Europe moves into the ratification phase – but that is another story'.[1] The pieces in our puzzle begin to come together to reveal a picture in which the ratification is the integral part of the story. This paper argues that state-society relations must be revisited to assess their relevance as an explanation of the French referendum outcome.

French Preferences in Constitutional Reform

A traditional reading of France's European Union policy, and its articulation of national preferences on the future of Europe, is interest centered. This reading emphasizes 'the primacy of France's national calculations of national costs and benefits'.[2] The pursuit of hard-nosed deals with other member states figures prominently in this equation.[3] The French government, in its focus on proposals concerning the institutional architecture of the Union, aims to maximize France's power and promote national objectives. Concessions are made in constitutional reform strictly for material gains to enhance the prospects of a French-dominated Union.[4] Other member

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[1] Nicolas Jabko, 'The Importance of Being Nice: An Institutionalist Analysis of French Preferences on the Future of Europe,' **Comparative European Politics** Volume 2 Number 3 (December 2004): 282-301.

[2] An example in this tradition is Andrew Moravcsik, **The Choice for Europe**, (Ithaca: Cornell University Press, 1998.)

[3] Jabko. 'The Importance of being Nice,' p. 284.

[4] Ibid

states are often wary of France's historical preference for intergovernmental bargains in Council decision-making in which the big states dominate. President Chirac's definition of the French national interest was very much in line with this traditional reading.

In France there were very few, if any, domestic demands for constitutional reforms during the European Convention and intergovernmental conference negotiations. This fact and the relative lack of engagement by national parliament representatives to the Convention until the ratification debate left French society disconnected from the issues involved in the Constitutional Treaty in the early stages.[5] France's institutional focus at the Convention and during the IGC privileged a diplomatic priority: to restart the French-German engine 'after the disastrous performance in Nice'.[6] The public appeal of French proposals, including those made with the Federal Republic, was limited. The French government was 'very weakly constrained by societal coalition-building considerations'. Mr. Chirac relied on his constitutional prerogatives in foreign policy 'to decide France's preferences alone'.[7]

France was successful at the European Convention in achieving many of its key goals, particularly those related to the Council and European foreign policy. Mr. Chirac's focus was on the issues of the European Council president and the European Union foreign minister. The French preference to reinforce the European Council represented 'a strong national demand'.[8] In France, the European Council is seen as 'the expression of the common sovereignty of member states'. Over three decades the European Council has evolved from a series of yearly meetings among the heads of state and government, in which Mr. Chirac negotiates with his European counterparts, into an institution that provides 'the best link between the member states on one side, and the European institutions with their own legitimacy on the other side'.[9] The emphasis on the European Council, in which the French president is the democratically elected representative of the national interest, is deeply rooted in the political culture of the Fifth Republic. The direct link between the French president and people is the source of presidential legitimacy as defined by the founder of the Fifth Republic, and it first president, Charles de Gaulle. Chirac, acting very much in the Gaullist tradition, emphasized this link, president-people, in his decision to call the referendum on the Constitutional Treaty.

France's preference was also for the idea of a more permanent chair of the European Council, which Chirac advocated with Spain's Aznar and Britain's Blair. Their joint endorsement, known as the ABC proposal, established a president of the European Council for a period of five years or a renewable period of two and a half years.[10] A greater stability in the presidency of the European Council was seen in France 'as strengthening both the continuity of the European Council's activities and the EU's voice on the international stage'.[11] Its evolution from summitry to institution is important to understand because the European Council as a 'locus

[5] Ben Crum, 'Connecting National and Supranational Democracy: Lessons from the Making of the EU Constitutional Treaty,' Paper to be presented at the EUSA Tenth Biennial International Conference, Montreal, Canada, 17-19 May 2007, p. 13.

[6] Colette Mazzucelli, Ulrike Guérot and Almut Metz, 'Cooperative Hegemon, Missing Engine or Improbable Core: Explaining French-German Influence in European Treaty Reform,' in Derek Beach and Colette Mazzucelli, eds., **Leadership in the big bangs of European integration**, (Houndmills: Palgrave Macmillan, 2007), pp. 158-177.

[7] Jabko, 'The Importance of Being Nice,' p, 286.

[8] Ulrike Guérot, Kirsty Hughes, Maxime Lefebvre and Tjark Egenhoff, 'France, Germany and the UK in the Convention Common Interests or Pulling in Different Directions?,' **EPIN Working Paper** No. 7 (July 2003):1-12.

[9] Ibid

[10] Simone Bunse, Paul Magnette and Kalypso Nicolaïdis, 'Big versus Small: Shared Leadership in the EU and Power Politics in the Convention,' in Derek Beach and Colette Mazzucelli, eds., **Leadership in the big bangs of European integration**, (Houndmills: Palgrave Macmillan, 2007), pp. 134-157.

[11] Guérot, Hughes, Lefebvre and Egenhoff, 'France, Germany and the UK in the Convention,' p. 6.

of power'[12] is the point, in the French context, at which European and domestic interests must be reconciled.

The European Convention was a French idea that afforded the French government the opportunity to advance Mr. Chirac's 'pet goals' – a 'constitution', a 'president of Europe' and a 'foreign minister'.[13] Jabko's argument is that, in a sense, these French gains were largely 'symbolic'. This analysis does not consider the possibility that French achievements at the Convention made the constitution 'easier to sell to the French public'. In reality, Jabko is right to assert it is unclear that Convention gains 'really correspond to objective French interests'.[14] This is the crux of the matter, to which we must return in the ratification debate.

Not only '*non*' to Chirac[15]: the French referendum and the complexity of 'separate tables'

The no vote in the French referendum, driven by national considerations and social concerns, highlights a societal preoccupation with job losses in France and the perceived negative impact of the Constitutional Treaty on a high national unemployment rate. In economic terms, the text was perceived by the French as too liberal,[16] which suggests a French societal view of the Union established by the Treaty on European Union as conceding too much to the forces of globalization. As one survey reveals, opposition to the president of the Republic and French elite politics is among the top five reasons cited for the '*non*,' in fourth place just before 'not enough of a social Europe'. Post-referendum survey results confirm that four out of five reasons for the rejection of the constitutional treaty pertain to employment, economics and social worries. This data indicates empirically that we must focus our attention on another piece in the puzzle: the ability of the French president to operate on the globalization and the integration tables at the same time. This analysis highlights the tensions on two separate, yet related, tables, integration and globalization, which exist because of negative perceptions in France of an excessively US-oriented globalization process.

There are three issue areas that offered Mr. Chirac the chance to use integration as a lever to assert French interests in an increasingly competitive global environment, which, in the French perspective, is driven by a '*hyperpuissance*', the United States. During the constitutional negotiations, the three areas were economics, governance and security.[17] In the economics realm, Mr. Chirac proved to be a cautious national leader who did not try to use the dynamics of constitutional negotiations to push through bold structural reform measures that would likely have encountered more political opposition if taken in a purely domestic context. There were no French executive initiatives to champion market integration with an enhanced social dimension as an instrument to soften the blows of 'savage capitalism'. Chirac's political orientation, unlike that of former Socialist president Mitterrand, did not favor this objective, which the French referendum vote articulates as a societal preference rooted in a popular perception of the French interest. For this reason, the paradox in the recent presidential elections is striking: when given the choice of Chirac's successor, the population chose Mr. Sarkozy, a leader with a commitment

[12] Wolfgang Wessels and Verena Schäfer, 'The European Council in Theoretical Perspectives: The Principals on a Fusion Path,' Paper presented at the Tenth Biennial Conference of the European Union Studies Association, Montreal, 17-19 May 2007, p. 5.

[13] Jabko, 'The Importance of Being Nice,' pp. 290-291.

[14] Ibid, p. 291.

[15] Rasmus Leander Nielsen and Laura Lund Olsen, 'Why Did the French Reject the European Constitutional Treaty?, **CFES Working Paper No 26/2006**, (Odense: University of Southern Denmark, 2006) argue that popular opposition to Mr. Chirac and his government is insufficient to explain the French referendum outcome.

[16] Flash Eurobarometer, **The European Constitution: Post-referendum survey in France**, (Brussels: European Commission, 2005), p. 17.

[17] The author is grateful to Dr. Adam Posen, Senior Fellow, Institute for International Economics, Washington DC, for the exchange of ideas during the 2007 European Union Studies Association (EUSA) conference in Montreal, Canada, which led her to develop these arguments.

to reform the French welfare state and liberalize the economy, over Mrs. Royal, the candidate with a social vision for France and the intention to consult the people once again on future constitutional reforms.

In the governance realm, Mr. Chirac defended the strengthening of the European Council as the institution that offered France in the EU25 the strategic opportunity to increase the Union's weight as an actor on the world stage. During the constitutional negotiations, the French-US divergences on Iraq in the Security Council highlighted different national interests and varying normative understandings of the role of the United Nations in global governance. The United Kingdom provided a further counterweight to France on the decision to invade Iraq. Its support of the United States is also a factor in the European Council. During negotiations in that forum, however, depending on the issue in question, the French president has more of an opportunity to build a coalition of allies to give the Union a role in a 21st century multi-polar environment. The preference to strengthen the European Council is in line with the traditional French conception of a world in which balance of power politics conditions the rules of the game. From this perspective, this preference offers France a way to shape '*la regle du jeu*'[18] and play by rules of the game that offer an alternative to US-directed global governance.

In the security realm, a European Union doted with a foreign minister and a common defense to assert its relevance beyond that of a 'civilian power' also reflects longstanding French preferences. The paradoxical nature of the French '*non*' is reflected in Chirac's success in obtaining these French goals in the constitutional treaty. The national population largely supports this preference as an expression of the national interest. Successive *Eurobarometer* surveys indicate this trend in popular support. Although the French society voices its approval of an EU foreign policy and defense, this preference can only be achieved at a high price in terms of national budgetary allocations to accomplish military force modernization and a tradeoff in the public service administration sector, with considerable implications for national sovereignty, to develop a Brussels-based European foreign policy apparatus. Each of these changes is a hard sell as integration's alternative to American-inspired globalization for a French public long accustomed to *ėtatism*, a strong tradition of the state, which provides generous social welfare benefits.

In order to explain the French referendum outcome, it is helpful to identify the ways in which the French people conflated the influence of globalization on the national economy, particularly employment and the loss of jobs, and the content of a constitutional treaty that was widely perceived as 'integration furthering globalization'. Chirac, a reluctant and suspicious leader vis-à-vis the Maastricht vision of integration, had opportunities to play the nationalist card at the European table. This task necessitated manipulating popular attitudes and perceptions, in other words, demonstrating that constitutional reform was about protecting France from the dangers of globalization through 'heroic leadership'[19] and the art of skillful diplomacy. Chirac's failure is attributable to the fact that economic issues on the separate tables, globalization and integration, were not only perceived as interconnected by a majority of the French population; they were understood as mutually reinforcing in popularized debates around issues like the "Polish plumber'.

[18] The notion of '*la regle du jeu*' is taken from a presentation by Dr. Sophie Meunier, Princeton University, at the 2007 European Union Studies Association (EUSA) conference, '*La regle du jeu*: France and the paradox of globalization,' for which the author is appreciative.

[19] As the inheritor of the Gaullist mantle, it is necessary to analyze Chirac's authority and leadership style in relation to that of the founder of the Fifth Republic, General de Gaulle, and to French society. The classic work in the literature is that of Stanley Hoffmann, **Decline or Renewal? France Since the1930s**, (New York: The Viking Press, 1974) particularly chapter 4, 'The Rulers: Heroic Leadership in Modern France,' pp. 63-110, and chapter 5, 'The Ruled: Protest as a National Way of Life,' pp. 111-144.

Authority, Leadership, and Protest in the French Polity: In Search of a Hero?

The reason societal perceptions led to a negative outcome in the French referendum have much to do with the French style of authority vis-à-vis society. In Hoffmann's analysis of authority and leadership styles in the French Third and Fourth Republics, he calls attention to one feature common to several French statesmen. This feature Hoffmann identifies as their 'constant call to collective prowess'. He continues:

'Heroic leadership…mobilizes the spectators' enthusiasm by presenting the performance as a national undertaking. So, to rally support the hero makes a conscious attempt to promote the audience's identification with the character on the stage, thus wrapping his legitimacy in their complicity. This identification *ipso facto* evades the problem of organizing and channeling support: simply, each citizen is asked to feel like a hero'.[20] In this interpretation, Chirac's call for the popular referendum is a quest for legitimacy and the personal identification of each French citizen with a great project of national significance. The problem the referendum campaign raised was that of 'organizing and channeling support' in a vote that risked asking citizens to judge 'if their opinion of the national interest was being represented abroad'.[21]

In purely Gaullist terms, just as the General used the referendum in the Fifth Republic, Chirac's call for the popular vote on the constitutional treaty was a bid to enhance 'his own legitimacy and/or institutional power whether or not his positions represented the interests of the citizenry'.[22] Once again the comparison of Chirac's choice for the referendum with that of the General's is instructive. As Walker writes, 'De Gaulle used referendums to legitimate his policy choices by making each vote a vote of confidence in him; de Gaulle, for example, explicitly made clear that any vote against one of his referendums was a vote against himself. He lived up to Louis XIV's saying: *L'ëtat c'est moi'*.[23] The conflation of personal legitimacy with that of the referendum vote marked de Gaulle's particular use of the instrument. In contrast, Chirac, by his refusal to resign after the '*non*', demonstrated the characteristics that defined his national leadership style for decades starting with 'preservation'.[24] Early in the 1980s, Gourevitch argued: 'Chirac has sought to assert his identity, visibility, individuality….His impatience has led him to an assertiveness which is full of risks….Unlike de Gaulle, he based his appeal increasingly on anti-leftism and on defense of very traditional interests….De Gaulle avoided too close an identification with the established groups or with simple anti-communism, in order to attract left support for his foreign policy and domestic modernization. Chirac has seriously diminished his capacity to do either'.[25] A quarter century later, it is possible to take into account the implications of Chirac's political choices, as analyzed by Gourevitch, in terms of the 'politics of protest'.[26]

Harmsen, in his analysis, references the argument of Matt Qvortrup who explains that 'the key to understanding both the French and the Dutch 'Noes' lies in the rejection b centre-left electorates of a Treaty negotiated predominately by centre-right governments, following a longer

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[20] Ibid, pp. 87-88.

[21] John T. Rourke, Richard P. Hiskes and Cyrus Ernesto Zirakzadeh, **Direct Democracy and International Politics Deciding International Issues Through Referendums**, (Boulder and London: Lynne Rienner Publishers, 1992), p. 25.

[22] Mark Clarence Walker, **The Strategic Use of Referendums Power, Legitimacy, and Democracy**, (New York: Palgrave Macmillan, 2003), p. 21.

[23] Ibid

[24] Peter Alexis Gourevitch, 'Gaullism Abandoned, or the Costs of Success,' in **The Impact of the Fifth Republic on France**, William G. Andrews and Stanley Hoffmann, eds. (Albany: State University of New York Press, 1981), p. 87.

[25] Ibid

[26] Robert Harmsen, 'The Politics of Protest? Understanding the 2005 French and Dutch Referenda on the European Constitutional Treaty,' Paper Prepared for Presentation at the 57th Annual Conference of the Political Studies Association, University of Bath, 11-13 April 2007, p. 12.

period of declining socialist influence on the integration process'.[27] Qvortrup makes the case as follows: 'That the constitution was the handiwork of rightist governments is likely to have created the impression among left-leaning voters that the constitution was a (more or less veiled) threat to the welfare state'.[28]

In his discussion of 'the unmaking of a constitution,' Dehousse goes even further to trace 'the outline of a deeper social fracture', which, in his words, the referendum outcome makes 'visible'.[29] He writes: 'On the one hand, social groups of educated individuals open to multiculturalism, for whom opening up to Europe and the world constitutes the occasion to broaden their personal and professional horizons, and who look to the future with confidence. On the other hand, those who see their way of life threatened by economic mutations, the rise of precariousness, the reduction of public services, and who are confronted on a daily basis with the presence of an imperfectly integrated immigrant population. They have lost all confidence in traditional political parties; they are pessimistic as to their future and the future of their children. One of the keys to the French vote, and the principal difference with that on the Maastricht Treaty, is due to the shift of an important segment of the middle classes, well-represented among the voters of the Socialist Party, from the first to the second category, that of fear and this of the 'no.' If this situation were to last and to be generalized, it would endanger the pro-European coalition, cutting across partisan cleavages, that exists in a number of countries'.[30]

Goulard's analysis identifies the roots of the ratification crisis by making historical reference once again to themes in state-society relations: authority; leadership, and protest drawing on lessons from Tocqueville's writings. Hers is a commentary that situates the crisis in constitutional terms noting the French taste for revolution and interpreting the national rejection as a healthy blow.[31] In the popular perception, the treaty's rejection could allow for a modification of the original compromise, which was, after all, a constitutional document concluded under a former president of the Republic, the centrist Valéry Giscard d'Estaing. The success of those advocating the *'non*' lay in their ability to make the French people believe the illusion that renegotiation was an easy option.[32]

If we analyze Chirac's constitutional preference to reproduce the French executive in the Union's institutional system, we must consider Grunberg's analysis as to why the president opted for the referendum. First, if Chirac refused, he risked to appear as an undemocratic leader who feared a popular verdict. Second, the referendum is part of the Gaullist political patrimony, and the instrument of choice to legitimize constitutional revisions. This is as true in European constitutional politics as on the national scene: the French referendum to ratify the Treaty on European Union provides the empirical evidence. Third, the use of referenda must be situated in the overall context of the European construction process. In 13 countries that adhered to the Union since 1992, citizens were consulted directly. Even in Great Britain, the country the most attached to a tradition of parliamentary democracy, the head of government declared himself in favor of a referendum on the constitutional treaty.[33] In light of the pressure Chirac encountered to call the French referendum, we can surmise that his ratification objective fit those parts of the constitutional treaty that mattered most in his mind. In this sense, Chirac intended to use the

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[27] Ibid

[28] Matt Qvortrup, 'The Three Referendums on the European Constitutional Treaty in 2005,' **The Political Quarterly**, 77 (1): 94-95.

[29] Renaud Dehousse, 'The Unmaking of a Constitution: Lessons from the European Referenda,' **Constellations**, Volume 13, Number 2 (2006): 156.

[30] Ibid

[31] Sylvie Goulard, 'Union européenne les racines de la crise,' **Politique Internationale**, No. 109 (automne 2005): 2-3.

[32] Ibid, p. 3.

[33] Gérard Grunberg, 'Le Référendum Français de Ratification du Traité Constitutionnel Européen du 29 Mai 2005, **French Politics, Culture & Society**, Vol. 23, No. 3, (Winter 2005): 128-129.

national referendum to legitimize the Constitution of the Union as de Gaulle did in 1958 to gain the seal of popular approval for the Constitution of the Fifth Republic.

Understanding Domestic Politics to Explain the French Referendum Outcome

The analysis in this paper references and adapts Bulmer's 'domestic politics' approach 'to make explicit the need to investigate the domestic context' in order to explain the politics of constitutional negotiations and national referendum outcomes.[34] In this context, domestic preference and coalitions, French institutions, and Mr. Chirac's negotiating strategy matter.

Domestic Preferences and Coalitions

In the debate on the future of Europe, which defined the context for European constitutional negotiations, we must inquire as to the relative weight of French domestic preferences and coalitions. Jabko's analysis explains that 'the process of national preference formation and articulation was characterized by a remarkable insulation, with a huge relative weight for diplomacy'. In this milieu, President Chirac was advised by a limited number of professional civil servants in the *Quai d'Orsay* whose concern focused on 'Europe's institutional architecture'. The relatively free hand these diplomats enjoyed derives from the fact that the French president did not confront 'the necessity of building domestic coalitions to support his positions'. Although different political parties were in and out of power, this did not prevent the 'same few officials' from rotating 'jobs between political staffs and the regular diplomatic corps'. Institutional reform in the European Union was often not a top priority on the president's agenda: electoral and other foreign policy issues dominated.

The perception French citizens have of the country's self-sufficiency, of the advantages greater independence can offer within a closed economy that protects its own, is significant. The admission that France is dependent on the single European market with its free circulation of workers from the East, and its perceived liberal economic philosophy, raises fears in the population as well as a fierce resistance to further constitutional reforms in this vein. Perception is reality in negotiations as well as politics. The gap between French interests, which segments in society perceive as real, and the context that French elites increasingly understand in a European institutional environment is increasing over time. In this sense, to understand the chasm that opened between 1992 and 2005, we must consider the weight of history. A return to the past is a prism to analyze state-society relations, and the complications these relations present for constitutional negotiations.

In the French case, those societal forces that voted against constitutional reform cast their ballots against perceived inequalities that would likely result from a yes outcome. The aggravation of inequality within the French society, a sentiment among the people centuries in the making,[35] once again surfaced to deny Mr. Chirac the approval he sought to enhance his own standing in the domestic game. In this sense, the French referendum campaign is a vivid illustration of the ways in which the negotiator is caught in the headlights of 'factional' conflicts.

If we consider the French emphasis on the Union's institutional architecture during the constitutional negotiations, it is evident that these debates were not only opaque: they were abstract and far removed from the lives of citizens. Although the Convention method attempted to simply the negotiation context, to make the treaty reform process more accessible to people, the

[34] Simon Bulmer and Christian Lequesnse, **New Perspectives on EU-Member State Relationships**, Research in Question, January 2002, (Paris: Centre d'ètudes and de recherches internationals, 2002), p. 8. Simon Bulmer, 'Domestic Politics and EC Policy-Making,' **Journal of Common Market Studies**, Vol. 21 No. 4 (1983): 261-280.

[35] Goulard, 'Union européenne les racines de la crise,' pp.5-8.

key issues at stake in the bargaining for France concerned 'institutional intricacies' that do not allow 'opportunities for political mobilization'. Complexity trumped simplicity in constitutional negotiations. The impact of European negotiations in the domestic arena was experienced as an aftershock once agreement was reached. This revealed not only the popular disinclination to abstain in the French referendum. Complexity as a negotiation trump card left Mr. Chirac politically exposed and domestically weakened.

Political Institutions

The experience of domestic institutions in French society must be referenced to explain how the Constitution of 1958 privileges the politics of exclusion. Elites believe theirs is the expression of the 'general interest' for France. It is useful to question, as we pursue this line of thinking, the extent to which the concept of 'corporate democracy' is relevant to the ratification debate. In his research, Russell Hardin discusses the ways, in an era of representative democracy, which 'elected officials have become a separate class'.[36] The argument is that 'many of their actions seem to serve their specific interests as office-holders'. At times this is 'in conflict with the interests of their constituents or the citizenry'. In the French case, Hardin's analysis in terms of state institutions speaks to the elite interest simply to hang onto office and power as well as to accrue benefits to themselves financially as their careers advance in later years. These are the advantages that under normal circumstances would only come to the most powerful officers of large corporations or the extremely wealthy.[37]

President Chirac is the key protagonist in a polity that Hardin identifies as a 'corporate democracy'. In the ratification drama of his creation, after the choice for referendum in the domestic institutional set-up, President Chirac had to confront the Gaullist legacy and the Machiavellian political calculation that a referendum offered the surest prospect to divide the French Left. Years earlier the Socialists gave his predecessor, François Mitterrand, a narrow victory in the TEU ratification campaign.[38] President Mitterrand, like Chirac, faced censure from the French because of unpopular government policies. There were two factors that contributed to the narrow victory for the 'yes' vote ratifying the Treaty on European Union. First, the government campaign for the yes vote was organized well, including the tremendous engagement of the Minister for European Affairs, Madame Elisabeth Guigou, to foster a popular debate about the Maastricht Treaty across France. Second, Mitterrand did not allow for a long referendum campaign thereby denying the opposition forces the time to mobilize.[39]

Chirac's Strategy

The domestic politics approach to analyze the French context in constitutional negotiations indicates that Mr. Chirac's hands were relatively free to conclude a constitutional treaty agreement. Tallberg's analysis confirms that Chirac benefits from 'personal authority' as an individual source of power in the European Council vis-à-vis other heads of government: 'Chirac

[36] Russell Hardin, 'Transition to Corporate Democracy? in **Building a Trustworthy State in Post-Socialist Transition**, János Kornai and Susan Rose-Ackerman, eds., (New York and Houndmills: Palgrave Macmillan, 2004), p. 177.

[37] Ibid

[38] An analysis of the 1992 French ratification campaign is the subject of Colette Mazzucelli, **France and Germany at Maastricht Politics and Negotiations to Create the European Union**, (New York and London: Garland Publishing, Inc., 1997), pp. 207-241.

[39] Ibid

is described as a political animal who is very clever and persistent, somewhat arrogant, capable of instilling fear in others through his temper, and almost always very influential'.[40]

Chirac relied on his constitutional prerogatives, his standing in the European Council, which, as Jabko argues, the president purposefully strove to rehabilitate since the disaster at Nice, and his ability to focus diplomatically on a few institutional objectives that aimed to enhance further the weight of France in the Union's institutional system. As this paper demonstrates, state-society relations in the Fifth Republic, and, more specifically, the direct link established by the referendum between the president and the people, conditions the way in which constitutionalist discourse is accepted by the French. Constitutional change must be legitimized by the populace, which, in turn, is granted the power to sanction the legitimacy of the president. For this reason, further constitutional reforms agreed in the European Council that are not subject to referendums in France must break with the tradition of the Fifth Republic.

The fact that France's new president, Nicolas Sarkozy, has already taken decisions regarding ministerial appointments that some observers have described as 'revolutionary' suggests that he may yet be a change agent in French institutional politics. The legacy of a monarchical past, which insulates the president from the French people, and the pervasive influence of elites in constitutional negotiations that privilege diplomatic priorities, provide the starting point for an understanding of the French approach to constitutional politics and its implications for democratic participation.[41]

Conclusion

The French rejection of the European Constitutional Treaty points to the president as the actor whose institutional authority can either provoke or suppress the transformation of a polity that must at once live with the shadow of de Gaulle and identify a new kind of hero. This leader must come to recognize the domestic opportunity costs of constitutional reform in an institutional system that privileges the president. Chirac's strategy to use the referendum simply as an instrument of executive politics to gain the domestic advantage was a flawed one. Conversely, his decision gave the French society the voice to express their conception of the national interest to a president whose policies exacerbated a social fracture. In time this fracture may evolve into the structural fault line that redefines state-society relations in France as well as the dynamics of change in European integration.

[40] Jonas Tallberg, 'Bargaining Power in the European Council,' Paper presented at the Tenth Biennial EUSA Conference, Montreal, May 17-19, 2007, p. 21.
[41] Jürgen Elvert, **Die europäische Integration**, (Darmstadt: WBG, 2006.)